

REMARKS

No claim changes have been made.

Claims 1 to 10 were rejected as obvious under 35 U.S.C. 103 (a) over Israni, et al, U.S. Patent 6,438,561 B1(henceforth referred to as "Israni") in view of Harrington, et al, U.S. Patent 6,289,012 B1 (henceforth referred to as "Harrington").

Israni discloses a method of using vehicle traffic information transmitted by radio in a vehicle navigation system. As Israni has correctly recognized, the RDS-TMC traffic messages for route calculation transmitted by radio are not usable without more by a vehicle navigation system, since the location codes of broadcast traffic messages are different from the location codes of a digital map, which is used in a vehicle navigation system (column 2, lines 15 to 30, of Israni). To solve this problem so that the navigation system can use the information in the traffic messages Israni teaches that "location codes" of the traffic message should be correlated with corresponding geographic map data, especially street sections, of a digital map stored in the vehicle navigation system by means of "location reference records" (column 2, lines 40 to 49).

Paragraph 3 of the Office Action states that Israni teaches broadcasting a traffic message that provides additional location information that indicates additions to and/or changes in the first location information transmitted in the

traffic message. Applicants request the citation of a particular column and line number at which such disclosures begin in this reference. As far as applicants can tell the reference does not disclose a method in which place names of locations in a radio receiver can be changed or added by the transmission of additional location information in a broadcast traffic message when the change is necessary due to construction, for example of a new road in a new development. Although the geographic data base of Israni can be located remotely from the receiver and navigation system, there does not seem to be any disclosure regarding updating the geographic data base for changes due to construction and the like. Citation of any specific portion of Israni that supports the statements in the last three lines of paragraph 3 of the Office Action is respectfully requested.

However the Office Action does admit in paragraph 4 that Israni does not teach an added header, which can indicate at least one additional information portion, in accordance with applicants' inventive method, as claimed in amended claim 1. This provides the great advantage that changes in place names and associated information that has changed after manufacture and installation of the traffic message radio receiver in a vehicle can be changed by broadcasting additional information to the traffic message system in the vehicle, as explained on page 3 of applicants' U.S. Specification. Israni does not provide a hint or suggestion of these additional features, namely a traffic message system that permits addition of a leading header 12 to a traffic message when changes and/or additions are required to the first location information in the traffic

message. The leading header signals that additional information that includes e.g. changed place name and other information due to construction or the like following the standard traffic message.

Also there is no suggestion in "Israni" that added location and other information indicating place name changes, additions and other changes due to construction that is not currently transmitted within the standard TMC message should be broadcast or that such changes are a problem for a RDS TMC system.

Harrington discloses methods and apparatus for downloading data in a communications network with a large number of users (e.g. see claim 1, column 3). Such networks are generally wire networks that operate with a TCP-IP transmission protocol and thus have transmission congestion and reliability problems when large numbers of data packets must be downloaded to a large number of users (columns 1 and 2). Such networks are of course networks of personal computers, such as the Internet.

In contrast, applicants' claim 1 claims a method of transmitting digitally coded traffic information, but applicants' specification makes it clear that "transmitting" in the context of the present invention means broadcasting the traffic messages by radio transmission. Independent claim 8 claims a radio receiver for reception and analysis of the radio broadcast traffic messages, such as TMC traffic messages.

Harrington is non-analogous art since it is in a different field than applicants' claimed invention and also Israni. A hint that it is non-analogous art in relation to the broadcast messaging system of Israni and also of the applicants'

can be found in the classification numbers of the two patents, Israni and Harrington. The main U.S. class of Harrington is 370, but Israni the U.S. classes are 455, 707, 701. The International classification numbers are entirely different. Furthermore Harrington is not reasonably pertinent to the problem that the applicants are trying to solve. That problem is how to adapt the standard radio broadcast messaging systems that send traffic messages to a vehicle navigation system for changes in location information such as place names and other data due to construction and the like (which occur after installation of the radio receiver in the vehicle). This problem is neither disclosed nor suggested in Harrington because Harrington is concerned with the solution of different problems, such as message transmission reliability and message traffic congestion in computer network (column 3, lines 17 to 25, & column 2, line 63 and following), which does not occur when the messages are broadcast by radio. Harrington would not be concerned with accounting for changes that occur after installation of the various computers in the network because the computers are more flexible than the typical navigation system and radio messaging systems used for the traffic messaging systems. These latter problems regarding updating of place name and similar information would not occur in the computer networks. For example, updating of software is a normal activity in current Internet-based computer networks.

It is well established that the test of whether or not a reference is analogous or can be used in a 103 rejection is that it must be in the same field as the applicants' endeavor or, if not, it must be reasonably pertinent to the

particular problem with which the inventor is concerned (M.P.E.P. 2141.01 (a)). Numerous U.S. judicial decisions support this principle. For example, see *In re Oetiker*, 24 U.S.P.Q. 2nd 1443, 1445 (Fed. Cir. 1992); *In re Clay*, 23 U.S. P. Q. 2nd 1058, 1060-61 (Fed. Cir. 1992).

In the case of the instant application the Harrington reference is in a different field from the applicants' improved method of broadcasting traffic messages which include information regarding changes and/or additions to broadcast location information. The problem regarding transmitting changed information does not arise in the methods of concurrently downloading large amounts of information to a plurality of users, for example in a computer network operating with TCP-IP protocol.

However even if Harrington is considered to be analogous art, Harrington does not supply the required hint or suggestion of the modifications of Israni that are necessary to arrive at the invention as claimed in applicants' amended claim 1. The changes in the amended claim 1 filed in the amendment dated September 19, 2003 should not be ignored. This amendment states that the additional leading header 12 in front of the standard traffic message signals the presence of additional location information, which adds to and/or changes the first location information provided in the standard traffic message.

In column 6, lines 57 to column 7, line 63, Harrington does teach addition of an additional header 803 to a standard data packet 705 that already includes a header (fig. 7). However the purpose of this additional header 803 is not, as in the case of the applicants' leading header 12, to signal the presence of additional

data fields or additional information that adds to and/or changes the information in the standard data packet 705. These latter features are included in the amended claim 1 of applicants. Instead the added heater 803 of Harrington includes information regarding the type of network of the client, network conditions and flow control for data packet flow so that the system download manager 507 (fig. 5, column 7, lines 11 to 15) can control the downloading of the data packets 705 to the respective users of the network in an efficient and reliable manner.

It is well established by many U. S. Court decisions that to reject a claimed invention under 35 U.S.C. 103 there must be some hint or suggestion in the prior art of the modifications of the disclosure in a prior art reference or references used to reject the claimed invention, which are necessary to arrive at the claimed invention. For example, the Court of Appeals for the Federal Circuit has said:

"Rather, to establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant...Even when obviousness is based on a single reference there must be a showing of a suggestion of motivation to modify the teachings of that reference.." *In re Kotzab*, 55 U.S.P.Q. 2nd 1313 (Fed. Cir. 2000). See also M.P.E.P. 2141.

In the case of the instant application Harrington does not disclose addition of a leading header 23 that signals or indicates the presence of at least one additional location information portion following a standard data packet or message. Furthermore Harrington neither discloses nor suggests anything

regarding methods of broadcasting messages in general and broadcast traffic messaging systems in particular, which have entirely different problems than the multi-user networks contemplated by Harrington.

For the foregoing reasons, withdrawal of the rejection of amended claims 1 to 10 as obvious under 35 U.S.C. 103 (a) over Israni in view of Harrington is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



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